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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,309	01/15/2004	Volker Krueger	564-12835-USCQ	5364

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EXAMINER

GAY, JENNIFER HAWKINS

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/758,309	KRUEGER, VOLKER	
	Examiner	Art Unit	
	Jennifer H. Gay	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/15/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the Cross-referenced application data should be updated to include the status of all parent applications.

Appropriate correction is required.

Claim Objections

2. Claim 5 is objected to because of the following informalities: Claim 5 is objected to because it appears that the claim should depend from claim 4 instead of claim 3 as recited as claim 3 does not include a first set of ribs to correspond to the “second set of ribs” recited in claim 5. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Patton (US 5,220,963).

Regarding claim 1: Patton discloses a method for controlling the trajectory of a wellbore that involves the following steps:

- Conveying a drilling assembly **10** in the wellbore, said drilling assembly including a first adjustable stabilizer **82** and a second stabilizer **84**.
- Adjusting a position of a first center of said first adjustable stabilizer in the wellbore relative to a second center of said second stabilizer based on a desired wellbore trajectory (7:40-68).

Regarding claim 2: The second stabilizer comprises an adjustable stabilizer.

Regarding claims 3, 14: The second stabilizer is a fixed blade stabilizer (8:1-9:30; this passage teaches that only one of the stabilizers needs to be adjustable).

Regarding claim 4: The adjustable stabilizer has a first set of ribs containing a plurality of independently controllable ribs **98** or **100**.

Regarding claims 5, 15: The second stabilizer has a second set of ribs containing a plurality of independently controllable ribs **98** or **100** (the examiner notes that both of the stabilizers are described using the same reference numbers).

Regarding claims 6, 16: The second stabilizer has an under-gage outer diameter. The examiner notes that the stabilizers are eccentric thus would be under-gage.

Regarding claim 7: The method further involves measuring inclination of one of (i) the drilling assembly or (ii) said wellbore (21:40-23:35).

Regarding claim 8: The method further involves drilling said wellbore along a predetermined well path (21:40-23:35).

Regarding claim 9: The method further involves determining a parameter indicative of direction of drilling of said wellbore (21:40-23:35).

Regarding claim 10: The method further involves altering drilling direction of said wellbore if said parameter is outside a predetermined limit (21:40-23:35).

Regarding claim 11: The altering said drilling direction includes altering force applied by at least one rib in said first set of ribs (21:40-23:35).

Regarding claim 12: The method further involves adjusting the position of the second stabilizer by adjusting the extension of at least one rib of said second set of ribs (21:40-23:35).

Regarding claim 13: Patton discloses a system for controlling a trajectory of a wellbore. The system includes the following features:

- A drilling assembly **10** deployed in said wellbore by a rotatable tubular member, said drilling assembly including a drill bit at an end thereof that is rotatable by a drilling motor (1:53-60) carried by the drilling assembly.
- A first adjustable stabilizer **82** disposed in said drilling assembly having a first set of ribs **98** or **100** spaced around said first adjustable stabilizer, with each rib being independently radially extendable.

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- A second stabilizer **84** spaced apart from said first adjustable stabilizer.
- A controller **18** in the drilling assembly adjusting the position of a first center of the first adjustable stabilizer in the wellbore relative to a second center of the second stabilizer in the wellbore for controlling the trajectory of the wellbore wherein the position of the first center relative to the second center is determined at least in part upon a desired wellbore trajectory stored in the controller in the drilling assembly.

Regarding claim 17: The system further includes a sensor for measuring inclination of at least one of (i) the drilling assembly and (ii) said wellbore (21:40-23:35).

Regarding claim 18: The system further includes at least one sensor for determining a direction of the wellbore (21:40-23:35).

Regarding claim 19: The at least one of said first set of ribs is controlled to alter said drilling direction by altering a force applied by at least one rib in said first set of ribs (21:40-23:35).

Regarding claim 20: The position of the second stabilizer is adjusted by changing the extension of at least one rib of said second set of ribs (21:40-23:35).

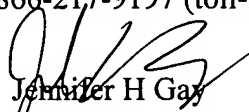
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer H. Gay
Primary Examiner
Art Unit 3672



JHG
December 19, 2005